

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS
HELD JULY 13, 2006 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling; Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS UPDATE

David Cubbage, representing the Virginia Department of Transportation, briefed the Board of Supervisors on the status of current and future projects.

A WORK SESSION TO DISCUSS THE BOARD OF SUPERVISORS' PUBLIC HEARING PROTOCOL

The Board of Supervisors discussed whether or not the current public hearing protocol should be revised to address issues related to: the length of time speakers are allowed to testify; whether non-applicant speakers should be permitted to utilize PowerPoint presentations as exhibits; whether the County Administrator should read the protocol at the beginning of the public hearing segment of the agenda; whether the protocol should be revised to discourage unsolicited remarks from members of the general audience; and whether photographers should refrain from coming onto the dais while the Board is conducting its business.

A WORK SESSION TO DISCUSS THE 250TH ANNIVERSARY OF FAUQUIER COUNTY

Mr. Max Harway, representing the Fauquier Historical Society, updated the Board of Supervisors on plans for the publication of a history book and a countywide celebration to commemorate the 250th Anniversary of Fauquier County in 2009.

A WORK SESSION TO DISCUSS LANDFILL TIPPING FEES AND THE AWARD OF A CONTRACT FOR CD&D RECYCLING EQUIPMENT

Anthony I. Hooper, Deputy County Administrator, and Michael Dorsey, Director of Environmental Services, updated the Board on the issues of raising the Construction Demolition and

Debris (CD&D) tipping fee to \$46 per ton, and the award of a contract for CD&D recycling equipment.

A WORK SESSION TO CONSIDER A ZONING ORDINANCE TEXT AMENDMENT TO ALLOW SINGLE FAMILY RESIDENCES TO CONNECT TO PRIVATE CENTRAL SEWAGE TREATMENT SYSTEMS IN SETTLEMENTS, VILLAGES, AND SERVICE DISTRICTS

Without objection, Mr. Graham moved to withdraw this item from the agenda.

A WORK SESSION TO DISCUSS RAPPAHANNOCK LANDING

Paul McCulla, County Administrator, updated the Board on the status of repayment of a promissory note that was executed in 2005 by the Piedmont Environmental Council to the County for the purpose of purchasing lots in the Rappahannock Landing Subdivision in order to preserve a portion of the Rappahannock battlefield in the community of Remington.

The meeting was reconvened in Regular Session at 6:30 P.M.

ADOPTION OF THE AGENDA

Mr. Atherton moved to adopt the agenda, with the following changes. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

- Amend consent agenda item “p”, A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider an Amendment to Permit Retired Emergency Service Volunteers to Obtain a County Decal at No Charge
- Remove regular agenda item #15, A Resolution Authorizing the County Administrator and the County Attorney to Take All Actions Necessary to Negotiate the Acquisition of a Parcel of Real Estate Commonly Referred to as the Common Open Space for Edgewood East Subdivision in the Lee Magisterial District.

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

CITIZENS' TIME

- Lee Smith, Cedar Run District, spoke in opposition to a resolution revising the Department of Community Development's fee schedule, citing that the proposed \$1,000 fee for Zoning Ordinance Text Amendments is too high and should be reduced.
- Bill Weber, Scott District, presented to the Board a statistical analysis he had prepared showing a comparison between home sales versus assessed values during the period of April through June 2006. He noted that 84% of the properties were sold at prices above the assessed value.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Robison presented to Mrs. Ann Martella, A Proclamation to Recognize the Exemplary Service of Roger R. Martella, Jr. to the Citizens of Fauquier County.
- Mr. Atherton presented to Leslie Grayson, A Proclamation to Recognize the Exemplary Service of Leslie Grayson to the Citizens of Fauquier County.
- Ms. Jillian Steuter and Ms. Jill Williams, representing the Greater Washington Muscular Dystrophy Association, presented a certificate of appreciation to the Board of Supervisors to thank the community for raising over \$36,000 in support of MDA.

CONSENT AGENDA

Mr. Atherton moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

Approval of the Minutes for the June 8, 2006 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution to Approve a Memorandum of Understanding to Provide Personnel and Financial Services for the John Marshall Soil and Water Conservation District

RESOLUTION

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING TO PROVIDE FINANCIAL AND PERSONNEL SERVICES TO SUPPORT THE JOHN MARSHALL SOIL AND WATER CONSERVATION DISTRICT

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the Memorandum of Understanding to continue providing personnel and financial services for the John Marshall Soil and Water Conservation be, and is hereby, approved; and, be it,

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign the Memorandum of Understanding on behalf of Fauquier County.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, made this 13th day of July 2006, by and between the **JOHN MARSHALL SOIL AND WATER CONSERVATION DISTRICT**, a political subdivision of the Commonwealth of Virginia (hereinafter the "JMSWCD") and the **BOARD OF SUPERVISORS OF FAUQUIER COUNTY**, a body politic (hereinafter the "Board").

I. RECITALS.

A. WHEREAS, the JMSWCD is interested in acquiring services for the provision of its personnel and financial operations; and

B. WHEREAS, the County is willing to provide personnel and financial services to the JMSWCD upon the terms and conditions contained herein; and

C. WHEREAS, the JMSWCD has adopted the County's established procedures for financial and personnel functions; and

D. WHEREAS, Virginia Soil and Water Conservation Law, Title 10.1, Section §10.1-533 permits the JMSWCD to employ personnel to carry out its purposes; and

E. WHEREAS, Virginia Soil and Water Conservation Law Section §15-2-1300 permits political subdivisions to jointly exercise their powers; now, therefore,

WITNESSETH:

II. CONSIDERATION.

That in consideration of the mutual covenants and promises contained herein, the JMSWCD and Board agree as follows:

III. TERMS.

- a. **Length of Agreement.** The agreement shall be for a term from the date of its execution through June 30, 2007. The agreement shall be automatically renewed for one year from July 1, 2007 through June 30, 2008, unless either party receives notice of termination at least three months prior to June 2008. Any renewal after June 30, 2008, shall be at the mutual consent of both parties.
- b. **Payment for Services Rendered Under the Agreement.** By its execution of this agreement, the Board of Supervisors evidences its intent to provide the JMSWCD with annual funding within the County budget process to supplement state and other local funds. The JMSWCD will reimburse the Board for all actual costs associated with the County's provision of services to JMSWCD, including but not limited to, the costs associated with the provisions and maintenance of a fringe benefits program for JMSWCD.

- c. **Scope of Services.** During the term of this agreement, the Board will provide to the JMSWCD the following services:
- i. **Financial accounting services consisting of:**
- payroll services;
 - general relationship accounting;
 - provide and maintain leave balance system;
 - preparation and maintenance tax records;
- ii. **Personnel services consisting of:**
- preparation and maintenance of salary information;
 - provide and maintain fringe benefits programs.
- d. **Adoption of County Policies.** During the term of this agreement, the JMSWCD agrees to adopt those personnel policies and procedures in use by the County of Fauquier which are acceptable to it in its sole discretion. JMSWCD shall adopt any amendments thereto in a timely fashion so as to continue the guidelines, policies and procedures in an acceptable manner with those of the County throughout the term of this agreement. Notwithstanding the foregoing, JMSWCD shall have the right to employ, terminate, establish work hours, pay scales and position classifications independently of County policies and procedures. Further, this agreement shall in no way restrict the JMSWCD from developing policies and procedures which may be inconsistent with the County of Fauquier. Adoption of such policies and procedures may be cause to terminate this agreement.
- e. **Creation of Interaction Plan.** JMSWCD and County Departments of Personnel and Finance shall develop interaction protocols and guidelines acceptable to all entities. Such protocols shall include any deadlines and timeframes for the exchange of information and provision of services.
- f. **Obligations Subject to Appropriation.** The obligations of JMSWCD and the Board shall be subject to the appropriation of funds by each entity sufficient to meet the obligations imposed hereunder. Should either entity fail to appropriate sums sufficient to meet its obligations under this agreement, the agreement shall terminate upon the last day for which sufficient funds have been appropriated and upon termination all parties shall be released from any and all liabilities hereunder.
- g. **Choice of Law.** This agreement shall be construed under the laws of Virginia.
- h. **Supercesion.** This agreement shall replace and supersede the Memorandum of Agreement adopted by the Fauquier County Board of Supervisors and the John Marshall Soil and Water Conservation District (signed by Mary Lou Trimble and Ray Graham on 4/14/05).
- i. **Survival of Terms.** Should any provisions of this agreement be invalidated by a court of competent jurisdiction, all other provisions of this agreement shall remain valid and enforceable.

WITNESS the following signatures and seals:

BOARD OF SUPERVISORS OF FAUQUIER COUNTY, a Body
Politie

By _____

JOHN MARSHALL SOIL & WATER
CONSERVATION DISTRICT, a Political
Subdivision of the Commonwealth of Virginia

By _____

DATE APPROVED _____

PAYROLL PROCEDURES
John Marshall Soil & Water Conservation District

1. Fauquier County Finance will set up payroll accounts for the staff of the JMSWCD under the general ledger of the County. These accounts will include salaries and fringe benefits.
2. Each pay period the JMSWCD will submit payroll information to the Payroll Division in accordance with County policies.
3. The Payroll Division will prepare the direct deposit and record the necessary information for taxes, health insurance, life insurance, retirement, leave, FICA, unemployment insurance, and any other deductions available to County employees, excluding workman's compensation.
4. Staff of the JMSWCD will pick up the direct deposit pay stubs at the same time as County employees.
5. The JMSWCD will reimburse the amount of the payroll including all expenses for fringe benefits and other deductions.
6. The Payroll Division of Fauquier County will prepare and submit all necessary reports for taxes, insurance, FICA, and any other deductions that apply to JMSWCD staff.

Vivian McGettigan, Director of Finance
Fauquier County

Date

Mary Lou Trimble, Chair
John Marshall Soil and Water Conservation District

Date

PERSONNEL PROCEDURES
John Marshall Soil and Water Conservation District

1. Wherever the JMSWCD does not have a separate procedure, policy, or guideline the Fauquier County Personnel procedures, policies, guidelines, and deadlines will be followed. The JMSWCD retains the right to employ, terminate, establish work hours, and establish pay scales and position classifications independently of County policies and procedures.
2. The JMSWCD will submit Personnel Action Notification (PAN) forms to Personnel in accordance with guidelines and deadlines established by Personnel. PANs from the JMSWCD will be approved by the District Chairman of the JMSWCD and do not have to be approved by County Administration. Personnel will follow the same procedures for acting on PANs from the JMSWCD as it follows for PANs from County Departments.
3. The Personnel Department will maintain employee files for each employee of the JMSWCD. Employees of the JMSWCD will contact the Personnel Department on all matters relating to fringe benefits, tax information, leave information, and salary.
4. The Personnel Department will include employees of the JMSWCD in all fringe benefits programs of the County excluding the sick leave bank.
5. The JMSWCD reserves the right to interpret the Personnel Policies adopted by the JMSWCD. Employee questions regarding interpretation should be directed to the District Manager of the JMSWCD. Where necessary, the District Manager of the JMSWCD will confer with the Personnel Department of any interpretation that applies to the JMSWCD staff that may differ from County practice.

Janelle Downes, Director
Fauquier County Human Resources Department

Date

Mary Lou Trimble, Chair
John Marshall Soil & Water Conservation District

Date

A Resolution to Amend of the Fauquier County Board of Supervisors Bylaws Section 6-4, Committee Attendance

RESOLUTION

**A RESOLUTION TO AMEND THE FAUQUIER COUNTY BOARD OF SUPERVISORS BYLAWS
SECTION 6-4, COMMITTEE ATTENDANCE**

WHEREAS, Section 6-4, entitled "Committee Attendance", of the 2006 Bylaws and Rules of Procedure of the Fauquier County Board of Supervisors provides that members of any standing or ad hoc committee to which the Board appoints a member shall attend every scheduled meeting of the committee to which they have been appointed, with failure to attend 75% of scheduled meetings resulting in forfeiture of committee membership; and

WHEREAS, recognizing that a 75% attendance requirement may be problematic for committee members due to personal, family and business events and situations, the Board of Supervisors wishes to consider amending Section 6-4 in order to allow a case-by-case review of the circumstances of those committee members who fail to meet the attendance requirement; and

WHEREAS, in accordance with Section 4-12 of the 2006 Bylaws and Rules of Procedure, a proposed amendment to Section 6-4, Committee Attendance, is being presented to the Board for consideration, with a vote on the proposal to occur at the next meeting of the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the Board does hereby give consideration to the following amendment to Section 6-4 of the 2006 Bylaws and Rules of Procedure:

Section 6-4 Committee Attendance

Members of any standing or ad hoc committee of the Board of Supervisors, or of any committee to which the Board of Supervisors appoints a member, shall attend every scheduled meeting of the committee to which they have been appointed. ~~Committee members are expected to attend a minimum of seventy-five percent (75%) of the regularly scheduled meetings of the committee in any year.~~ It shall be the duty of the Chairman of any Board of Supervisors' appointed committee to determine the level of attendance of committee members. Upon receipt of written notice from the Chairman of any committee that a member has failed to attend at least seventy-five percent (75%) of the scheduled meetings of the committee, the Clerk of the Board of Supervisors shall notify, in writing, ~~the Chairman of the Board of Supervisors who shall review the committee member's attendance and determine whether any reason exists for the meeting attendance failure. Upon review, the Chairman of the Board of Supervisors may, but it not required to, remove the committee member for non-attendance of meetings. Where a committee member has been removed,~~ the Clerk to the Board of Supervisors shall place upon the agenda of the Board of Supervisors, a request to replace the member who has been removed. Replacement shall be made in the same manner as the original appointment and shall be for the remainder of the term for the committee member who has been removed. Upon the appointment of any committee member, the Clerk to the Board of Supervisors shall forward to the member a copy of this section.

Deleted: Any member of a committee who fails to attend a minimum of seventy-five percent (75%) of the scheduled meetings of the committee in any year shall be held to have forfeited his or her membership on the committee.

Deleted: the committee member of his removal from the committee based upon his or her failure to attend the required percentage of scheduled meetings of the committee and shall thank the member for his or her service to the community

Deleted: . In addition

; and, be it

RESOLVED FURTHER, That a vote on the proposed amendment to the 2006 Bylaws and Rules of Procedure shall occur at the next meeting of the Fauquier County Board of Supervisors.

A Resolution Approving Travel Expenses in Accordance with Travel Policy and Procedures – Environmental Services

RESOLUTION

A RESOLUTION APPROVING TRAVEL EXPENSES IN ACCORDANCE WITH TRAVEL
POLICY AND PROCEDURES – ENVIRONMENTAL SERVICES

WHEREAS, the Fauquier County Board of Supervisors has adopted a Travel Policy and Procedures which require approval of expenditures in excess of \$1,000; and

WHEREAS, the Fauquier County Department of Environmental Services is requesting approval to send the Director of Environmental Services to the SWANA Annual Conference scheduled for September 19 – 21, 2006, in Charlotte, North Carolina, which is anticipated to entail costs of approximately \$1,169; and

WHEREAS, funding has been appropriated in the FY2007 Budget to support this conference; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the Director of Environmental Services be, and is hereby, granted approval to attend the SWANA Annual Conference and to be reimbursed for training and travel expenses.

A Resolution for Subdivision Street Acceptance for Mountain Shade Subdivision, Mountain Shade Drive, El Dorado Drive, and Sunshine Court, Marshall Magisterial District

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR MOUNTAIN SHADE
SUBDIVISION, MOUNTAIN SHADE DRIVE, EL DORADO DRIVE, AND SUNSHINE COURT,
MARSHALL MAGISTERIAL DISTRICT

WHEREAS, El Dorado Drive, Sunshine Court and Mountain Shade Drive, as depicted on the attached site location maps, and described on the attached VDOT Additions Form SR-5(A), fully incorporated herein by reference, is shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board of Supervisors that these streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above streets serve a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described streets into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors guarantees the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in the Mountain Shade Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 849, Page 1275 approved on September 8, 1999; and, be it

RESOLVED FINALLY, That this resolution shall become effective and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation, contingent upon receipt of completed CE-7 forms deemed acceptable by Virginia Department of Transportation.

In the County of Fauquier

By resolution of the governing body adopted July 13, 2006

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):

Form AM-4.3 (11/28/2005)
Asset Management Division

Report of Changes in the Secondary System of State Highways

Project/Subdivision

Mountain Shade Subdivision

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

El Dorado Drive, State Route Number 1097

Description: **From:** CL Route 1007 Clifton Street
To: 246 feet East to CL Mountain Shade Drive
A distance of: 0.05 miles.

Right of Way Record: Filed with the Land Records Office on 9/8/1999, Db 849 Pg 1276, with a width of 50 Feet.

El Dorado Drive, State Route Number 1097

Description: **From:** CL Mountain Shade Drive
To: 459 feet East to Cul-de-sac
A distance of: 0.09 miles.

Right of Way Record: Filed with the Land Records Office on 9/8/1999, Db 849 Pg 1276, with a width of 50 Feet.

Mountain Shade Drive, State Route Number 1098

Description: **From:** CL Eldorado Drive
To: 280 feet North to CL Sunshine Court
A distance of: 0.05 miles.

Right of Way Record: Filed with the Land Records Office on 9/8/1999, Db 849 Pg 1276, with a width of 50 feet.

Sunshine Court, State Route Number 1099

Description: **From:** CL Mountain Shade Drive
To: 239 feet to Cul-de-sac
A distance of: 0.05 miles.

Right of Way Record: Filed with the Land Records Office on 9/8/1999, Dp 849 Pg 1276, with a width of 50 Feet.

Mountain Shade Drive, State Route Number 1098

Description: **From:** CL Sunshine Court
To: 160' N to Temporary Turn around
A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 9/8/1999, Db 849 Pg 1276, with a width of 50 feet.

A Resolution for Subdivision Street Acceptance for Airy Lake Subdivision, Bayfield Lane, Center Magisterial District

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR AIRY LAKE
SUBDIVISION, BAYFIELD LANE, CENTER MAGISTERIAL DISTRICT

WHEREAS, Bayfield Lane, as depicted on the attached site location map, and described on the attached VDOT Additions Form AM-4.3, fully incorporated herein by reference, is shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board of Supervisors that this street meets the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described streets into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors guarantees the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in the Airy Lake Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 997, Page 1209 approved on December 30, 2002; and, be it

RESOLVED FINALLY, That this resolution shall become effective and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation.

In the County of Fauquier

By resolution of the governing body adopted July 13, 2006

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):

Form AM-4.3 (11/28/2005)
Asset Management Division

Report of Changes in the Secondary System of State Highways

Project/Subdivision

Airy Lake Subdivision

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are

hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, Secondary System, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Bayfield Lane, State Route Number 1397

Description: **From:** Centerline Route 605

To: 723' Northeast to Cul De Sac

A distance of: 0.14 miles.

Right of Way Record: Filed with the Land Records Office on 12/30/2002, Db 997 Pg 1209, with a width of 50.

A Resolution for Subdivision Street Acceptance for Gray's Mill Subdivision, Claire Court, Scott Magisterial District

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR CLAIRE COURT, GRAY'S MILL SUBDIVISION, SCOTT MAGISTERIAL DISTRICT

WHEREAS, Claire Court, as depicted on the attached site location maps, and described on the attached VDOT Additions Form AM-4.3, fully incorporated herein by reference, is shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board of Supervisors that these streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above streets serve a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described street into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors guarantees the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in the Gray's Mill Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 1088, Page 2165 approved on March 24, 2004; and, be it

RESOLVED FINALLY, That this resolution shall become effective and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation.

In the County of Fauquier

By resolution of the governing body adopted July 13, 2006

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):

Form AM-4.3 (11/28/2005)
Asset Management Division

Report of Changes in the Secondary System of State Highways

Project/Subdivision

Grays Mill Village

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are

hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Claire Court, State Route Number 1395

Description: **From:** Centerline of Route 674, Grays Mill Road

To: 546' Southeast to Cul de sac

A distance of: 0.10 miles.

Right of Way Record: Filed with the Land Records Office on 3/24/2004, Db 1088 Pg 2165, with a width of 50 feet.

A Resolution to Approve Amendments to the Warrenton-Fauquier Airport Minimum Standards for Aviation Services and Warrenton-Fauquier Airport Rules and Regulations

RESOLUTION

A RESOLUTION TO APPROVE AMENDMENTS TO THE WARRENTON-FAUQUIER AIRPORT MINIMUM STANDARDS FOR AVIATION SERVICES AND THE WARRENTON-FAUQUIER AIRPORT RULES AND REGULATIONS

WHEREAS, in January 2006, the Fauquier County Board of Supervisors adopted the Warrenton-Fauquier Airport Minimum Standards for Aviation Services and the Warrenton-Fauquier Airport Rules and Regulations; and

WHEREAS, upon further review of the Rules and Regulations and Minimum Standards, it has been determined that revisions are necessary to provide clarification of wording and to create a procedure for aircraft owners to utilize the “unscheduled maintenance” provision as it currently stands; and

WHEREAS, the following revisions to the Warrenton-Fauquier Airport Rules and Regulations are proposed:

Chapter 3, Section 3, Paragraph A, Page 12:

Section 3: Maintenance of Aircraft

- a. Repairs to aircraft or engines shall be made in the areas designated for this purpose by the County and the Airport Manager, and not on any part of the runway, taxiways, ramps or fueling service areas. This section does not prohibit owners from performing maintenance on their own aircraft in their assigned hangars or tie-down space as authorized by the FARs. ~~No person shall allow a person who is not his/her employee onto the Airport to perform maintenance on his owned or operated aircraft unless the aircraft requires repairs which cannot be adequately performed by authorized maintenance and repair service on the Airport.~~ **No person shall allow a person who is not his/her employee onto the Airport to perform scheduled maintenance on his owned or operated aircraft unless the aircraft requires repairs which cannot be adequately performed by authorized maintenance and repair service on the Airport.** An employee is defined as an individual on the normal payroll of the employer. Any aircraft owner utilizing an employee to perform aircraft maintenance may be required to provide the County evidence of employment in a form acceptable to the County. Social Security records, corporate identification, etc. shall be deemed acceptable evidence of employment. An aircraft owner shall not contract with a second party, such as an aircraft maintenance company or aircraft management company or contractors, to perform “scheduled” maintenance on his/her aircraft at the Airport unless said company or contractor is recognized by the County as an authorized maintenance FBO or SASO as defined in the Airport Services Minimum Standards. **“Unscheduled maintenance by a service or mechanic not recognized as a FBO or SASO is permitted provided the aircraft owner submits a Declaration of Non-Airworthiness, endorsed by a licensed mechanic, to the**

Airport Manager prior to any work being accomplished. The service or mechanic must also present proof of proper FAA licenses and certificates, proof of adequate liability insurance and payment of the Non-Based Maintenance Permit Fee. The Airport Manager will designate an area to perform such unscheduled maintenance. Unscheduled maintenance is limited to the following:

1. Warranted maintenance work that requires repair or additional attention by the warranting company.
 2. A malfunction that prevents the aircraft from being taken to another airport for maintenance.
 3. Maintenance work that requires a specialty service that is not being provided by an existing FBO or SASO operating at the Airport.
- b. All aircraft maintenance shall be conducted strictly in accordance with Airport Services Minimum Standards; all Federal, State, and County fire and safety regulations; all Federal, State, and County rules and regulations; airworthiness directives, and other applicable rules and regulations.
- c. No aircraft engine shall be started on an aircraft unless a competent operator is at the controls of the aircraft.
- d. No aircraft engine shall be run up unless the aircraft is in a position that the propeller or turbine engine blast clears all hangars, shops, other building, persons, other aircraft and automobiles or vehicles in the area, and the flight path of arriving or departing aircraft.

; and,

WHEREAS, the following revision to the Warrenton-Fauquier Airport Minimum Standards for Aviation Services is recommended:

Revision to Appendix A:

Addition of Non-based Maintenance Permit Fee per occurrence \$25.00

; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the proposed revisions to the Warrenton-Fauquier Airport Rules and Regulations and the Warrenton-Fauquier Airport Minimum Standards for Aviation Services be, and are hereby, adopted.

Cedar Mill Subdivision: Preliminary Plat PPLT06-CT-018, Center Magisterial District

No action was taken.

Chattin's Run North Subdivision: Preliminary Plat PPLT06-MA-023, Marshall Magisterial District

No action was taken.

Eastwood Farm: Preliminary Plat PPLT06-CT-010, Center Magisterial District

No action was taken.

Revere Woods Subdivision: Preliminary Plat PPLT06-LE-006, Lee Magisterial District

No action was taken.

Laurenwood: Preliminary Plat PPLT05-LE-025, Lee Magisterial District

No action was taken.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider Establishing the Percentage Allocation of the Fixed Amount of State Personal Property Tax Relief for Qualifying Motor Vehicles

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER ESTABLISHING THE PERCENTAGE ALLOCATION OF THE FIXED AMOUNT OF STATE PERSONAL PROPERTY TAX RELIEF FOR QUALIFYING MOTOR VEHICLES

WHEREAS, the Board of Supervisors of Fauquier County adopted an Ordinance in accordance with the Personal Property Tax Relief program as modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act); and

WHEREAS, Article X, Chapter 8, Section 8-29.3, et seq., of the Code of Fauquier County outlines the requirements for the program; and

WHEREAS, Section 8-29.5 of the Code of Fauquier provides that the Board of Supervisors is to annually establish the percentage of relief that may be allocated to the taxpayers in a manner that is estimated to fully exhaust the fixed amount of relief provided by the Commonwealth for Tax Year 2006; and

WHEREAS, a resolution has been drafted to establish the rates and limitations for Tax Year 2006; now, therefore, be it

RESOLVED, by the Board of Supervisors of Fauquier County this 13th day of July 2006, That the County Administrator be, and is hereby, directed to schedule a public hearing to receive citizen comment on this program.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider Establishing the Periodic Revalidation Fee for Parcels in the Land Use Program

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER ESTABLISHING THE PERIODIC REVALIDATION FEE FOR PARCELS CURRENTLY PARTICIPATING IN THE LAND USE PROGRAM

WHEREAS, the Board of Supervisors of Fauquier County adopted an Ordinance pursuant to Title 58.1, Article 4 of the Code of Virginia, 1950, for the provision of Special Assessment for Land Preservation; and

WHEREAS, Title 58.1-3234 provides that each locality that has adopted such an Ordinance may provide for the imposition of a revalidation fee every sixth year; and

WHEREAS, such revalidation fee shall not, however, exceed the application fee currently charged; and

WHEREAS, the last fee set for this purpose was in 2000 for the 2001 revalidation period; and

WHEREAS, a resolution has been drafted to establish the fees for this period; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 13th day of July 2006, That the County Administrator be, and is hereby, directed to schedule a public hearing to receive citizen comment on this fee schedule.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider an Amendment to Permit Retired Emergency Service Volunteers to Obtain a County Decal at No Charge

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO PERMIT RETIRED EMERGENCY SERVICE VOLUNTEERS TO OBTAIN A COUNTY DECAL AT NO CHARGE

WHEREAS, the Code of Virginia authorizes the County to waive the decal fee for decals for retired emergency services volunteers; and

WHEREAS, the Board of Supervisors has determined that it is appropriate to schedule a public hearing to consider whether to amend the County Code to authorize the waiver of decal fees as authorized; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th of July 2006, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider whether to amend the County Code to permit retired emergency services volunteers to obtain a County decal at no charge.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Purchase of Development Rights Committee – Center District: Douglas Larson was appointed to fill an unexpired term that ends December 31, 2007.
- Library Board – Marshall District: John Whiting was reappointed for a four-year term that expires July 13, 2010.

A RESOLUTION TO AUTHORIZE FAUQUIER COUNTY TO MAINTAIN A PROPOSED TRAIL TO BE LOCATED IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ALONG A PORTION OF BEAR WALLOW ROAD, ADJACENT TO THE SILVER CUP SUBDIVISION

Mr. Atherton moved to indefinitely postpone this matter. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

A RESOLUTION TO CONSIDER INCREASING THE CONSTRUCTION DEMOLITION DEBRIS FEE AT THE CORAL FARM LANDFILL FROM \$45.00 PER TON TO \$46.00 PER TON EFFECTIVE AUGUST 1, 2006

Mr. Robison moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO INCREASE THE TIPPING FEE FOR CONSTRUCTION AND DEMOLITION
DEBRIS TO FORTY-SIX DOLLARS (\$46.00) PER TON

WHEREAS, on July 1, 2001, Fauquier County began operating the construction and demolition debris landfill; and

WHEREAS, the Board of Supervisors wishes to develop an on-going funding source for roadside litter cleanup; and

WHEREAS, on May 11, 2006, the Board of Supervisors conducted a public hearing to receive comments concerning the fee increase; now, therefore, be it

RESOLVED by the Fauquier County by of Supervisors this 13th day of July 2006, That the tipping fee for construction and demolition debris shall be, and is hereby, increased to forty-six dollars (\$46.00) per ton, and this increase shall take effect on August 1, 2006.

**A RESOLUTION TO AWARD A CONTRACT FOR THE PURCHASE AND INSTALLATION
OF EQUIPMENT FOR A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING
FACILITY**

Mr. Downey moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT FOR THE PURCHASE AND INSTALLATION OF
EQUIPMENT FOR A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

WHEREAS, the Board of Supervisors has been exploring options to maintain the revenue and services offered at the Construction and Demolition Debris (CD&D) landfill at the Corral Farm Landfill; and

WHEREAS, as of June 30, 2008, the existing CD&D landfill will no longer be available and the Board of Supervisors has supported the establishment of a Construction and Demolition Debris recycling center in order to maintain sufficient revenues to support the landfill, and to extend the future life of the landfill; and

WHEREAS, in May 2006, a request for proposals for various options to establish a CD&D recycling center was issued, and six proposals were received; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the Fauquier County Administrator be, and is hereby, authorized to enter into a contract with Sherbrooke OEM, Ltd., in the amount of \$1,188,081 for the establishment of a CD&D recycling center.

REVISIONS TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT FEE SCHEDULE

Mr. Graham moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION REVISING THE DEPARTMENT OF COMMUNITY DEVELOPMENT'S FEE SCHEDULE

WHEREAS, the Department of Community Development needs to comprehensively update its existing land development application fee schedule; and

WHEREAS, the Board of Supervisors wants County fees for required land development applications and associated documents to keep pace with inflation, personnel, processing, and inspection requirements due to application and project complexities, and to maintain effective, quality and responsible service; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the Department of Community Development's fee schedule shall be revised as reflected in the staff report dated July 13, 2006, as Attachment 1: Proposed Fee Schedule (Building Office) and Attachment 2: Proposed Fee Schedule (Zoning, Planning and Technical Divisions); and, be it

RESOLVED FURTHER, That the revised fee schedule shall be effective August 1, 2006.

A RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING FOR THE NEW HIGH SCHOOL

Following discussion, Mr. Graham called for a vote to adopt the following resolution. The vote was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, Fauquier County, Virginia (the “Borrower”), intends to undertake various capital improvements for or on behalf of the County’s public school system located in Fauquier County, including without limitation construction of a Third High School, (the “Project”); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt, in an amount not currently expected to exceed \$56,500,000 to pay the costs of the Project.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after May 15, 2006, which date is no more than 60 days prior to the date hereof. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage by the Fauquier County Board of Supervisors this the 13th day of July 2006.

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO WORK WITH THE DRYSDALE HOMEOWNERS ASSOCIATION ON ISSUES RELATED TO THE OPERATION, MAINTENANCE AND REPAIR OF THE DRYSDALE WATER SYSTEM

Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO WORK WITH THE DRYSDALE HOMEOWNERS ASSOCIATION ON ISSUES RELATED TO THE OPERATION, MAINTENANCE, AND REPAIR OF THE DRYSDALE WATER SYSTEM

WHEREAS, the Drysdale Water System is currently owned and operated by Skyline Water Company, Inc; and

WHEREAS, the system currently serves the 26 lots comprising the Drysdale Subdivision, located in Lee Magisterial District, adjoining Virginia State Route 685, Rountt's Hill Road; and

WHEREAS, residents of the subdivision have expressed concerns related to the maintenance, operation, and repair of the water system; and

WHEREAS, it is estimated by County staff that such work will exceed the Board of Supervisors "three hour" rule and, as such, requires Board of Supervisors authorization; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the County Administrator and the County Attorney be, and are hereby, authorized to work with the Drysdale Homeowners Association on issues related to the operation, maintenance, and repair of the Drysdale water system.

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE AN AGREEMENT IN LIEU OF ANNEXATION WITH THE TOWN OF WARRENTON ANNEXING 249.598 ACRES OF LAND, MORE OR LESS, INTO THE CORPORATE BOUNDARY OF THE TOWN OF WARRENTON, SAID LAND BEING MORE PARTICULARLY DESCRIBED AS A PORTION OF ALWINGTON FARM

Mr. Robison moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was 4 to 1, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison*
Nays: *Mr. Chester W. Stribling*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE AN AGREEMENT IN LIEU OF ANNEXATION WITH THE TOWN OF WARRENTON ANNEXING 249.598 ACRES OF LAND, MORE OR LESS, INTO THE CORPORATE BOUNDARY OF THE TOWN OF WARRENTON, SAID LAND BEING MORE PARTICULARLY DESCRIBED AS A PORTION OF ALWINGTON FARM

WHEREAS, the Town of Warrenton has proposed that the County of Fauquier enter into an Agreement In Lieu of Annexation authorizing the annexing of 249.598 acres of land into the corporate Boundaries of the Town of Warrenton on the terms and conditions contained in the proposed agreement; and

WHEREAS, the Town then intends to enter into a proffered rezoning with Centex Development Corporation for the development of the annexed land, and an additional portion of Alwington Farm currently existing within the corporate limits of the Town; and

WHEREAS, this resolution would authorize the County Administrator and the County Attorney to take all actions necessary to effectuate the Agreement in Lieu of Annexation under such terms and conditions as are outlined in the agenda request for this item; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the County Administrator and County Attorney be, and are hereby, authorized to take all actions necessary to effectuate an Agreement In Lieu Of Annexation with the Town of Warrenton annexing 249.598 acres of land, more or less, into the corporate boundary of the Town of Warrenton, said land being more particularly described as a portion of Alwington Farm.

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND THE COUNTY ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO NEGOTIATE THE ACQUISITION OF A PARCEL OF REAL ESTATE COMMONLY REFERRED TO AS THE COMMON OPEN SPACE FOR EDGEWOOD EAST SUBDIVISION IN THE LEE MAGISTERIAL DISTRICT

Mr. Stribling moved to withdraw this matter from the agenda and, following discussion, this item was removed from consideration by without objection.

SUPERVISORS' TIME

- Mr. Robison announced that the Fauquier County Fair is taking place this weekend, and he encouraged citizens to attend. Mr. Robison announced that the Warrenton-Fauquier Heritage Day will be held on Saturday, September 30, 2006, and additional information will be forthcoming.
- Mr. Downey stated that, after several years of lobbying in Richmond for Fauquier County's schools to be included in the Cost of Competing, he was very pleased to announce that Fauquier County has been included in the overlay of Northern Virginia, which allows approximately \$250,000 in State funding for the next fiscal year. Additionally, Mr. Downey stated that in the following years, the funding levels for which Fauquier County is compensated by the State for local teachers will be compatible to the same percentage received by Fairfax, Prince William, Loudoun, and surrounding jurisdictions. He extended congratulations to the School Board for its efforts, as well as expressed thanks to local Legislators for their hard work.
- Mr. Stribling echoed Mr. Downey's comments on the Cost of Competing and expressed his appreciation to the local Delegation in Richmond. Mr. Stribling stated that, in addition, Fauquier County will be able to create impact fees for transportation costs and improvements necessitated by development. Mr. Stribling urged citizens to continue personal recycling efforts, and he congratulated the Department of Environmental Services for the work it is doing to facilitate recycling for the community. Mr. Stribling congratulated and expressed his appreciation to the Piedmont Environmental Council for honoring the donative agreement between PEC and the County, and its commitment to the purchase of land for preservation of a portion the Rappahannock Landing battlefield property, including the creation of a park with access to the Rappahannock River in the Remington area.
- Mr. Graham thanked the Piedmont Environmental Council for its timeliness in locating contributions and grant funding for purchase of the Rappahannock Landing battlefield property, and he commended the efforts of everyone involved. Mr. Graham announced that members of the Board of Supervisors will be serving dinner on Saturday at the Fauquier Fairgrounds during the annual Homegrown Dinner, and he encouraged citizens to attend. Mr. Graham reminded the community to consider supporting *First Response*, a local non-profit organization that assists families of wounded soldiers, and he asked for \$1.00 from each resident to be contributed to support the organization's efforts. Mr. Graham encouraged citizens to become active and remain involved in their community.

ANNOUNCEMENTS

- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be held at 6:30 p.m. on August 10, 2006, in the Warren Green meeting room, located at 10 Hotel Street, in Warrenton, Virginia.

AGRICULTURAL AND FORESTAL DISTRICT RENEWALS

A public hearing was continued from June 8, 2006, to consider applications for Agricultural and Forestal District renewals. W. Todd Benson, Assistant Zoning Administrator, summarized the applications. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinances. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

1st Renewal of the Trumbo Hollow Agricultural and Forestal District, Which is Currently Scheduled to Expire on April 20, 2007

ORDINANCE

AN ORDINANCE TO APPROVE THE FIRST RENEWAL OF THE TRUMBO HOLLOW AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, Section 15.2-4311, Code of Virginia (1950), as amended, states that the local governing body may complete a review of any district together with additions to such district; and

WHEREAS, all requirements of Section 15.2-4311, Code of Virginia (1950), as amended, have been met; now therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the 1st Renewal of the Trumbo Hollow Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this renewal shall expire on June 30, 2015;
- 2) That the renewal shall consist of the following parcels:

PIN	OWNER	ACREAGE
6010-29-9547	Leopold, Charles W. & Jacqueline M.	20.99
6011-11-0072	Leopold, Charles W. & Jacqueline M.	86.81
6011-20-6729	Leopold, Charles W. & Jacqueline M.	113.18
	TOTAL	220.98

; and be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception permit except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
 - b. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
 - c. No special exception permit shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided then the entire parcel shall automatically be removed from the District.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the District.
7. If any parcel is sold in the future, then the District will no longer exist based on the required core of no less than two hundred (200) acres for creation of the District.

2nd Renewal of the Fiery Run Agricultural and Forestal District, Which is Currently Scheduled to Expire on April 20, 2007

ORDINANCE

AN ORDINANCE TO APPROVE THE SECOND RENEWAL OF THE FIERY RUN
AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, Section 15.2-4311, Code of Virginia (1950), as amended, states that the local governing body may complete a review of any district together with additions to such district; and

WHEREAS, all requirements of Section 15.2-4311, Code of Virginia (1950), as amended, have been met; now therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the 2nd Renewal of the Fiery Run Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this renewal shall expire on June 30, 2015;
- 2) That the renewal shall consist of the following parcels:

PIN	OWNER	ACREAGE
5998-58-9003	Douglass, John Wade & Susan Adair	18.98
5998-69-0522	Fairfax Nursing Center, Inc.	52.4
5998-76-0630	Douglass, John Wade & Susan Adair	39.90
5998-85-6960	Stern, Gerald M. Trustee Et. Al.	45.00
5998-96-8500	Smith, Drew C. Trustee	27.81
5998-97-5653	Willson, David R. & Cynthia H.	45.54
5999-53-8217	Blackrock I, LP	263.00
5999-87-0379	Cullen, William H. and Others	276.00
5999-91-1877	Hart, Lindy L.	115.89
6000-21-8039	Hardscrabble, LP	167.02
6000-52-9882	Smith, Mark A. H. Jr. & June D.	51.89
6000-56-3196	Smith, Mark A. H. Jr.	157.00
6908-07-4237	Smith, Raymond W.	97.62
6908-15-2008	Traxler, Christopher	72.60
6908-17-3463	Smith, Raymond W.	43.03
6908-36-6270	Green, Martha L.	50.00
6909-01-5870	Hart, Lindy L.	134.91
6909-04-9467	Cullen, William H. and Others	244.00
6909-10-2635	Moorman, James W. & Brenda T.	65.00
6909-15-3966	Duvall, Douglas T. & Janice	35.00
6909-17-2897	Cullen, Belinda and Others	92.60
6909-22-4476	Moorman, James W. & Brenda T.	133.32
6909-27-4871	Cullen, William H. and Others	23.00

6909-33-9393	Duvall, William D. & Joyce A.	16.00
6909-38-3763	Cullen, William H.	158.50
6909-42-3288	Duvall, William D.	82.46
6909-44-8444	Duvall, William Downing II	308.54
6909-46-8855	Cullen, William H.	163.50
6909-67-8802	Urbanski, John F. Sr. Trustee & Others	163.00
	TOTAL	3,143.51

; and be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception permit except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
 - b. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
 - c. No special exception permit shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided then the entire parcel shall automatically be removed from the District.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the District.

3rd Renewal of the Routts Hill Agricultural and Forestal District, Which is Currently Scheduled to Expire on June 18, 2007

ORDINANCE

AN ORDINANCE TO APPROVE THE THIRD RENEWAL OF THE ROUTTS HILL
AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, Section 15.2-4311, Code of Virginia (1950), as amended, states that the local governing body may complete a review of any district together with additions to such district; and

WHEREAS, all requirements of Section 15.2-4311, Code of Virginia (1950), as amended, have been met; now therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the 3rd Renewal of the Routts Hill Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this renewal shall expire on June 30, 2015;
- 2) That the renewal shall consist of the following parcels:

PIN	OWNER	ACREAGE
6960-96-5745	Olinger, Gilbert T. Jr. & Laura B.	34.00
6960-99-5774	Cooke, Mildred L.	139.44
6961-81-6550	Payne, Stanley F. & Norma Jean	111.00
6961-86-7429	Cooper, Richard B. et al	1.54
6970-07-4896	Gaunt, James W. II & Beverly J.	26.54
6971-01-9886	Payne, Larry C. & Lorene W.	15.35
6971-03-9086	Bumgardner, Frank L.	55.03
6971-15-0863	Cooper, Richard B. et al	179.00
6971-16-6938	Cooper, Richard B. et al	1.93
6971-21-0253	Payne, Larry C. & Lorene W.	60.22
6971-21-2977	Payne, Stanley F. & Norma Jean	28.78
6971-26-0941	Cooper, Richard B. et al	0.56
6971-76-0295	Wagner, Deborah K. & Alain	35.00
6971-88-4305	Hall, Kevin L. & Anita Jo	38.73
TOTAL		727.12

; and be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

- a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception permit except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
 - b. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
 - c. No special exception permit shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided then the entire parcel shall automatically be removed from the District.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the District.

AGRICULTURAL AND FORESTAL DISTRICT ADDITIONS

A public hearing was continued from June 8, 2006, to consider applications for Agricultural and Forestal District additions. W. Todd Benson, Assistant Zoning Administrator, summarized the applications. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinances. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

8th Addition to Cobbler Mountain

ORDINANCE

AN ORDINANCE TO APPROVE THE 8th ADDITION TO THE COBBLER MOUNTAIN AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, Section 15.2-4310, Code of Virginia (1950), as amended, allows additional parcels of land to be added to an existing District following the process described for the creation of a new District; and

WHEREAS, all requirements of Section 15.2-4310, Code of Virginia (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the 8th Addition to the Cobbler Mountain Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.
- 2) That this 8th Addition to the Cobbler Mountain Agricultural and Forestal District is hereby added this 13th day of July 2006, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, of the Code of Virginia, (1950), as amended, until the expiration of the District on June 30, 2014.
- 3) That the 8th Addition shall consist of the following parcel(s):

PIN	OWNERS	ACREAGE
6949-17-9271-000	Frederick W. Okie, Jr.; Pauline Okie Walker; Katherine Walker Bantleton; Elizabeth Walker Mecke; and St. Clair Okie Oliver	86.53

; and, be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply, to wit:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception permit except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
 - b. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
 - c. No special exception permit shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided then the entire parcel shall automatically be removed from the District.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the District.

11th Addition to Upperville

ORDINANCE

AN ORDINANCE TO APPROVE THE 11th ADDITION TO THE UPPERVILLE AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, Section 15.2-4310, Code of Virginia (1950), as amended, allows additional parcels of land to be added to an existing District following the process described for the creation of a new District; and

WHEREAS, all requirements of Section 15.2-4310, Code of Virginia (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the 11th Addition to the Upperville Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.
- 2) That this 11th Addition to the Upperville Agricultural and Forestal District is hereby added this 13th day of July 2006, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, of the Code of Virginia, (1950), as amended, until the expiration of the District on June 30, 2011.
- 3) That the 11th Addition shall consist of the following parcels:

PIN	OWNERS	ACREAGE
6044-84-0502-000	Ken and Stephanie Knapp	56.62
6063-87-4757-000	Weatherly Farm, LLC	70.57
6053-04-7312-000	Runaway Farm, LLC	56.40
	TOTAL	183.59

; and, be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply, to wit:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception permit except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
 - b. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.
 - c. No special exception permit shall be in conflict with the purposes for which the District was created.

2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided then the entire parcel shall automatically be removed from the District.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the District.

15th Addition to Marshall/Warrenton

Mr. Atherton then moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous, as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

RESOLUTION

A RESOLUTION TO DENY THE 15th ADDITION TO THE MARSHALL/WARRENTON AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, Section 15.2-4310, Code of Virginia (1950), as amended, allows additional parcels of land to be added to an existing District following the process described for the creation of a new District; and

WHEREAS, all requirements of Section 15.2-4310, Code of Virginia (1950), as amended, have not been met; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the 15th Addition to the Marshall/Warrenton Agricultural and Forestal District be, and is hereby, denied; and, be it

RESOLVED FURTHER, That the following parcel(s) shall not be included as the 15th Addition to the District:

PIN	OWNERS	ACREAGE
6966-74-9935-000	John and Hillary Davidson	5.33
6966-84-1552-000	John and Hillary Davidson	10.00

A PUBLIC HEARING TO CONSIDER THE GRANT OF AN EASEMENT TO NORTHERN VIRGINIA ELECTRIC COOPERATIVE AT THE LARRY WEEKS COMMUNITY POOLS, FORMERLY KNOWN AS THE POOLS AT VINT HILL

A public hearing was held to consider the grant of an easement to Northern Virginia Electric Cooperative at the Larry Weeks Community Pools. Kevin J. Burke, County Attorney, summarized the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A DEED OF EASEMENT TO NOVEC AT THE LARRY WEEKS COMMUNITY POOLS

WHEREAS, Fauquier County is the owner of property at Vint Hill, known as the Larry Weeks Community Pools; and

WHEREAS, the County desires to obtain electrical service to the Provost Guard building at the site; and

WHEREAS, the Northern Virginia Electric Cooperative (NOVEC) has requested the County execute an easement in order to provide utility service on the site; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the County Administrator and the County Attorney be, and are hereby, authorized to execute such documents as are necessary to convey an easement to NOVEC for the purpose of obtaining utility service at Larry Weeks Community Pools.

A PUBLIC HEARING TO CONSIDER THE GRANT OF A TEMPORARY CONSTRUCTION EASEMENT TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION AT UPPERVILLE PARK, PIN # 6064-14-2303

A public hearing was held to consider the granting of a temporary construction easement to the Virginia Department of Transportation at Upperville Park. Kevin J. Burke, County Attorney,

summarized the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A TEMPORARY CONSTRUCTION EASEMENT TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION AT UPPERVILLE PARK, PIN #6064-14-2303

WHEREAS, Fauquier County is the owner of property located adjacent to Route 50 at Upperville Park, further identified as PIN #6064-14-2303; and

WHEREAS, as part of improvements to Route 50, the Virginia Department of Transportation has requested a temporary construction easement; and

WHEREAS, the County has determined that the grant of the construction easement is appropriate; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the County Administrator and the County Attorney be, and are hereby, authorized to execute such documents as are necessary to convey a temporary construction easement to the Virginia Department of Transportation for the purpose of completing improvements to Route 50.

A PUBLIC HEARING TO CONSIDER WHETHER TO AMEND THE NOVEMBER 10, 2005 ORDINANCE SETTING A DEADLINE FOR THE BOARD OF EQUALIZATION TO COMPLETE ITS WORK TO EXTEND THE DEADLINE FROM JULY 31 TO AUGUST 31

A public hearing was held to consider whether to amend the deadline for the Board of Equalization to complete its work, by extending the deadline from July 31, 2006 until August 31, 2006. The original June 30 deadline to file applications for appeals is to remain unchanged. Mr. Graham summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

AN ORDINANCE ESTABLISHING A DEADLINE FOR SUBMITTAL OF LANDOWNER APPLICATIONS FOR EQUALIZATION OF REAL ESTATE ASSESSMENT TO THE FAUQUIER COUNTY BOARD OF EQUALIZATION TO COMPLETE ITS DELIBERATIONS ON ALL APPLICATIONS

WHEREAS, Fauquier County is currently undergoing a general reassessment of real property within the County, to be effective January 1, 2006; and

WHEREAS, Section 58.1-3370 of the Code of Virginia requires the establishment of a Board of Equalization to receive applications from landowners seeking equalization of their real estate assessments; and

WHEREAS, Section 58.1-3378 of the Code of Virginia provides that the Board of Supervisors may establish a deadline by which applications for equalization of real estate assessments must be filed with the Board of Equalization; and

WHEREAS, Section 58.1-3378 of the Code of Virginia also provides that the Board of Supervisors may establish a deadline for the Board of Equalization to finally dispose of all applications for equalization of real estate assessment; and

WHEREAS, the Board of Equalization has requested additional time to complete its work, and the Board of Supervisors has determined that a grant of additional time is appropriate; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of July 2006, That June 30, 2006, shall continue to be the deadline date by which applications for equalization of assessment shall be filed with the Fauquier County Board of Equalization; and, be it

ORDAINED FURTHER, That August 31, 2006, be, and is hereby, established as the revised deadline date by which the Fauquier County Board of Equalization shall finally dispose of all timely applications for equalization of real estate assessments.

PROPOSED TEXT AMENDMENT TO SECTION 7-604 OF THE ZONING ORDINANCE

A public hearing was held to consider a Zoning Ordinance text amendment to Section 7-604, to permit the Zoning Administrator to waive, reduce and/or modify buffer/landscaping requirements for commercial property where such property abuts recorded open space. W. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>

Abstention: *None*

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 7-604 TO PERMIT THE ZONING ADMINISTRATOR TO WAIVE, REDUCE AND/OR MODIFY BUFFER/LANDSCAPING REQUIREMENTS FOR COMMERCIAL PROPERTY WHERE SUCH PROPERTY ABUTS RECORDED OPEN SPACE

WHEREAS, on April 27, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on May 25, 2006, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on July 13, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of July 2006, That Section 7-604 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

7-604 Landscape and Buffering Requirements

[7-604.1 through 7-604.3 – same]

4. Buffer Yard Waivers and Modifications.

Buffer yard requirements may be waived or modified by the Zoning Administrator in the following circumstances. The Zoning Administrator may attach conditions to any waiver or modification in order to assure that the results of the waiver or modification will be in accord with the intent of this ordinance.

- a. Where the strict provisions of this section would reduce the usable area of a lot configuration or size to a point which would preclude a reasonable use of the lot, buffer yards may be waived, reduced and/or modified by the Zoning Administrator, upon showing that the building and/or yard has been designed to minimize adverse impact through a combination of architectural, landscape and/or other design techniques.
- b. The Zoning Administrator may waive, reduce and/or modify buffer yard requirements:
 - (1) If the topography of the lot providing the buffer yard and the lot being protected is such that the required buffer yard would not be effective; or

- (2) For any public use when it has been specifically designed to minimize adverse impacts on adjacent properties.
- (3) When a land use is proposed adjacent to a lake, pond, wetland, or other natural area, which is to remain undeveloped, and which is at least 300 feet in width; or
- c. The Zoning Administrator may waive, reduce and/or modify buffer yard requirements in RA and RC districts when, in the opinion of the Zoning Administrator, reasons or factors for employing buffers are not present; or
- d. In cases where similar uses adjoin each other, the Zoning Administrator may approve a reduction in the buffer requirements between such similar uses. As appropriate and reasonable, the Zoning Administrator may require increased landscaping elsewhere on the site. The increased landscaping shall be focused in areas adjacent to potentially conflicting land uses, if such exist; or
- e. The Zoning Administrator may waive, reduce and/or modify buffer/landscaping requirements for commercial property where such property abuts recorded open space when, in the opinion of the Zoning Administrator, reasons or factors for employing buffers are not present. However, the Zoning Administrator shall not make any decision under this subsection until twenty-one days after written notice to all adjoining property owners of the open space advising them of the request to reduce and/or modify such buffer/landscaping requirements. As appropriate and reasonable, the Zoning Administrator may require increased landscaping elsewhere on the site.

PROPOSED TEXT AMENDMENT TO SECTIONS 3-317 AND 15-300, AND ADDING 5-1706 TO THE ZONING ORDINANCE

A public hearing was held to consider a Zoning Ordinance Text Amendment to Sections 3-317 and 15-300, and adding a new Section 5-1706, to permit contractor's offices, shops, and material storage yards in C-1 and C-3 Districts, and to expand such uses to include landscaping businesses, pest control businesses, and other similar businesses, as determined by the Zoning Administrator. W. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-317 AND 15-300 AND ADDING A NEW SECTION 5-1706 TO PERMIT CONTRACTOR'S OFFICE, SHOPS, AND MATERIAL STORAGE YARDS IN C-1 AND C-3 DISTRICTS AND TO EXPAND SUCH USES TO INCLUDE LANDSCAPING BUSINESSES, PEST CONTROL BUSINESSES, AND OTHER SIMILAR BUSINESSES AS DETERMINED BY THE ZONING ADMINISTRATOR

WHEREAS, on April 27, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on May 25, 2006, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on July 13, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of July 2006, That a new Section 5-1706 be added to the Fauquier County Zoning Ordinance and Sections 3-317, 15-300, be, and are hereby, amended as follows:

See Page III-4 for Key															
	SITE PLAN	RC	RA	RR- 2	V	R- 1	R- 2	R- 3	R- 4	TH	GA	MDP	C- 1	C- 2	C- 3
3-316 LIMITED INDUSTRIAL (CATEGORY 16)															
1. Enclosed laboratories and facilities for manufacturing, assembling, and research and Development	X	SE	SE											SP	
3-317 GENERAL INDUSTRIAL (CATEGORY 17)															
1. Any industrial use which is not contained entirely within a building or completely screened from view including contractor's offices, shops, and materials storage yards less than one Acre	X	SE	SE												
2. Any industrial use which is not contained entirely within a building or completely screened from view, including contractor's offices, shops, and material storage yards more than one acre used	X														

The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: **Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling**
Nays: **None**
Absent During Vote: **None**
Abstention: **None**

ORDINANCE

A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO SECTION 4-603 TO ALLOW PRIMARY SCHOOLS AND SECONDARY SCHOOLS IN A PLANNED COMMERCIAL INDUSTRIAL DEVELOPMENT (PCID) OVERLAY ZONE AS A USE BY RIGHT

WHEREAS, on May 25, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on June 29, 2006 the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on July 13, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of July 2006, That Section 4-603 of the Zoning ordinance be, and is hereby, amended as follows:

4-603 Principal Uses Permitted

The following principal uses shall be permitted, subject to designations of areas and sites for such uses in the approved Development Plan and subject to the use limitations set forth in Section 4-606 below:

Adult day care center
Agriculture, horticulture, forestry or fishery
Auction house
Bakery, commercial
Bank or financial institution
Barber/beauty shop
Business service and supply service establishments
Commuter parking lot
Conference or training center
Convenience stores
Contractors' offices and shops

Continuing care facilities
 Construction office
 Day care, child care, or nursery
 Distribution facility
 Farmers market
 Health and fitness center/spa
 Laundry, dry cleaners, Laundromat
 Manufacture, processing, fabrication and/or assembly of products such as,
 but not limited to scientific and precision instruments, photographic
 equipment, communication equipment, computation equipment,
 drugs, medicines, pharmaceuticals, household appliances, toys,
 sporting and athletic goods, die-cut paperboard and cardboard, glass
 products made of purchased glass, electric lighting and wiring
 equipment, service industry machines, lithographic and printing
 processes, industrial controls, radio and TV receiving sets, watches
 and clocks, bags and containers, sanitary paper products, optical
 goods, electrical machinery, wireless communications
 Medical care facility, major or minor
 Meeting halls for social, fraternal, civic, public and similar organizations
 Motor vehicle service and repair, light
 Offices, administrative, business and professional
 Place of worship
 Plant nursery/greenhouse
 Postal Service, overnight courier collection and overnight mail distribution
 facility
 Printing service
 Private clubs
 Public and quasi-public uses, including but not limited to post office, library,
 parks and recreation facilities, governmental office and service facilities,
 public safety facilities (fire and rescue, police)
 Radio and television recording/broadcasting studio
 Recycling drop off collection center, small
 Repair service establishments
 Research, experimental testing, or development activities
 Restaurants
Schools, primary and secondary
 Service Stations
 Swimming/tennis/racquet facility
 Technical schools, indoor and outdoor
 Theater, indoor
 Warehousing facilities
 Water and sewer pumping stations
 Wholesale trade establishments

PROPOSED TEXT AMENDMENTS TO SECTIONS OF THE SUBDIVISION ORDINANCE

A public hearing was held to consider amendments to sections of the Subdivision Ordinance to correct Code references, and make similar edits: including Section 4 – Plat Preparation Procedures, General; Section 9 – Preliminary Plats; and Section 10 – Final Plats. Frederick P.D. Carr, Director of Community Development, summarized the proposed amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

A SUBDIVISION ORDINANCE TEXT AMENDMENT TO CHAPTERS 4, 9 AND 10

WHEREAS, on March 9, 2006, the Board of Supervisors instructed staff to initiate a series of Subdivision Ordinance text amendments to facilitate the development of commercial and industrial subdivisions; and

WHEREAS, on May 25, 2006, the Planning Commission held public hearings on the proposed revisions, and unanimously forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on July 13, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Board of Supervisor's goal of encouraging commercial and industrial development; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisor this 13th day of July 2006, That Chapters 4, 9, and 10 of the Fauquier County Subdivision Ordinance be, and are hereby, amended as follows:

SECTION 4 - PLAT PREPARATION PROCEDURES, GENERAL

4-1 Platting Required

No tract of land situated within Fauquier County shall be subdivided unless the subdivider shall cause a plat of subdivision with reference to known or permanent monuments to be made, submitted and approved pursuant to the terms of this Ordinance and recorded among the land records of the Office of the Clerk of the Circuit Court of Fauquier County. No plat of subdivision shall be recorded unless or until the plat shall have been submitted to the governing body and approved and certified by the governing body in accordance with the regulations set

forth in this Ordinance. No lot shall be sold in any subdivision before the plat shall have been recorded.

4-11 Sanitary Sewer and Water

- 1) Additional Requirements - Service Districts (~~Amended by Board of Supervisors on January 20, 2004~~)
 - B) Any freestanding private system permitted by this Ordinance or the Zoning Ordinance shall be designed to the standards of the Virginia Department of Health. Such systems shall be designed to the standards of the Virginia Department of Health. Such systems shall be designed and constructed to provide adequate fire flows as determined by the ~~Virginia Department of Health~~ Department of Emergency Services where the number of lots is twenty or more. Where the number of lots is from seven to nineteen the distribution lines shall be sized to provide adequate ~~five~~ fire flows. All necessary easements and deed restrictions shall be provided requiring all lots to connect to the public water system when said system is extended to the subdivision. All lots shall have all necessary easements platted and deed restrictions requiring lot owners to connect to public water when it becomes available.

4-16 Bonding Requirements

Prior to acceptance of a dedication for public use and/or maintenance of facilities, of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvements dedicated for public use, and maintained by the locality the Commonwealth, or other public agency, and for the provision of other site-related improvements required by this Ordinance or other ordinances for vehicular ingress and egress, for public access streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities pursuant to the Fauquier County ~~Stormwater Management Ordinance~~ Design Standards Manual, financed or to be financed in whole or in part by private funds, the owner or developer shall...

4-18 Lots, Shape

The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings and shall recognize the natural contour of the terrain and topography and conform to requirements of this Ordinance. Lots shall not contain peculiarly shaped elongation's solely to provide necessary square footage of area, which would be unusable for normal purposes.

In general, lots will be configured such that the length is approximately two and one-half (2½) times the width or frontage, whichever is less.

4-19 Location

Except as provided in paragraph 2-39 ~~and 3-2~~, all lots shall front on an existing or recorded public street or a street dedicated by the subdivision plat and maintained or to be maintained by the Virginia Department of Transportation. When a new subdivision abuts one side of an existing or platted road or street, the subdivider shall be required to dedicate at least half the right-of-way necessary to make such street comply with the minimum width fixed for the same by this Ordinance.

4-27 Variations and Exceptions (~~Amended by Board of Supervisors on September 9, 1999.~~)

Whenever because of unequal size, topography, or shape of the property or other unusual condition not resulting from the developers deliberate act, a strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the developer, or wherever standards for waiver of specific provisions of this ~~O~~rdinance by the Planning Commission are set forth, the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with implementing the Comprehensive Plan of Fauquier County. The procedure for requesting such variation or modification shall be as follows...

4-30 Payments for Off-Site Improvements

The cost of providing reasonable and necessary sewerage, water, and drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of his subdivision or development, shall be in accordance with Section ~~15.1-466(j)~~ 15.2-22243 of the Code of Virginia.

4-32 Hydric Soils

Where the County Soils Map or the applicant's soils report indicate hydric soils or soils with hydric inclusions soils on a property, the applicant shall submit a US Army Corps of Engineers Jurisdictional Determination and supporting documentation, maps, etc. with the submission of the preliminary plat or infrastructure plan.

SECTION 9 - PRELIMINARY PLATS

9-1 Authorization and Purpose

This section is authorized by Paragraph ~~15.1-475~~ 15.2-2258 of the Code of Virginia. The purpose is to provide the subdivider with a tentative indication as to whether the proposed subdivision complies with the rules of preparation and procedure as set forth in the Ordinance.

9-2 ***Preliminary Pre-Application Conference***

Before preparing a preliminary plat, the subdivider ~~should~~ shall confer with the governing body's agent regarding the regulations contained in this Ordinance, the Comprehensive County Plan, the Zoning Ordinance and other applicable Ordinances. The purpose of such a conference is to assure that the applicant is made fully aware of all the requirements and interpretations of the existing Ordinances plus any amendments, which are pending at the time of plat preparation.

9-3 ***Application and Filing***

An application for preliminary plan approval shall be submitted to the agent accompanied by ~~fifteen (15)~~ eighteen (18) copies of plans and support materials required by this Ordinance and by the rules of the agent and accompanied by the required fee. No application can be submitted without appropriate support materials. Such application and materials shall be submitted not later than forty (40) days prior to the date of the Planning Commission meeting at which the applicant wishes the plat to be considered. The submission shall be considered officially filed once approved by the agent in accordance with Section 9-4 of this Ordinance.

9-4 ***Application Review***

The agent shall have seven (7) working days to review the application, plans and support materials in order to determine that the submission and content requirements have been met. Once the application is reviewed, written notification of the acceptance or rejection of the submission shall be sent to the applicant by ~~certified~~ mail not later than ten (10) days after the date of submission. If accepted, the submission shall be officially filed and shall be placed on the Planning Commission agenda. If rejected, the ~~submission package will be returned to the subdivider~~ will be notified in writing with a list of deficiencies. Upon receipt of the deficiencies, the applicant may submit a revised preliminary plat addressing the deficiencies no later than forty (40) days prior to the next scheduled Planning Commission meeting. Upon review and acceptance of the corrected submission, the application shall be considered officially filed and placed on the agenda. If rejected, the ~~submission package will be returned subdivider will be notified~~ as stated above.

Written notice of the filing of a preliminary plat and the meeting date shall be sent to adjacent property owners and the applicant no later than seven (7) days after the submission is officially filed. In no case shall notification be sent less than fourteen (14) days before the Planning Commission meeting. Notice sent to the last known address of such owner(s) as shown on the current real estate tax assessment book shall be deemed adequate compliance with the requirements. The provision of notice shall be the responsibility of the Office of Community Development and Zoning. A list of adjacent property owners shall be provided by the applicant ~~in accordance with Section 9-5.17(e).~~

Failure to notify the applicant within the specified time shall result in the application being considered officially filed. Failure to notify the adjacent property owners within the specified time period shall result in an automatic tabling and re-notification of the filing.

9-5 ***Preliminary Plan Requirements***

The following shall be included with the submission of a preliminary subdivision plan, revision, or resubdivision for consideration by the Planning Commission unless waived or modified by the Agent. The Agent may waive or modify any of these submission requirements upon request by the applicant and upon a finding by the Agent that the item waived is not needed for the specific application or that the modification serves the purpose of this Ordinance to at least an equivalent degree.

- A) Acceptance Letter from Engineers & Surveyors Institute (ESI) addressing the minimum checklist quality control review of the preliminary plat.
- B) ~~A~~ A preliminary plat shall be prepared on one or more sheets not exceeding 24" x 36" in size. The plan shall be prepared at a scale not greater than one (1) inch to one hundred (100) feet. Such plans shall be prepared, signed in black ink and sealed (on each sheet) by a person or firm licensed in Virginia to prepare such plans. Where more than one sheet is required, a composite plan at a scale of not less than one (1) inch to three hundred (300) feet shall be submitted. The plat(s) shall contain the following:
- 13) Location, ~~and number~~ number, dimensions and area (square feet or acres) of proposed and existing lots, and water bodies.
 - 15) Areas shown in the Comprehensive Plan as proposed sites for schools, parks, or other public uses, which are located wholly or in part within the land being subdivided.
 - 16) Preliminary plans indicating the provision/layout for all utilities, including but not limited to, water supply, sewage disposal, BMP's, and stormwater management facilities as outlined in the Fauquier County ~~Stormwater Management Ordinance~~ Design Standards Manual. (Amended by the Board of Supervisors September 16, 2002.)
 - 28) Location of any existing or proposed bridges. Location of any proposed major culverts, SWM and BMP facilities as outlined in the Fauquier County ~~Stormwater Management Ordinance~~ Design Standards Manual. (Amended by the Board of Supervisors September 16, 2002.)
 - 29) Proposed areas of common or non-common open space and acreage, including open space calculations and demonstration of appropriateness of location of proposed open space pursuant to Zoning Ordinance Sections 2-309, 2-406 and 2-704.
 - 30) Note on the preliminary plat as to conditions and date of approval of rezoning or special exception and file number. Include copy of approved special exception plat and/or concept development plan as a sheet in the preliminary plat.
 - 31) US Army Corps of Engineers Jurisdictional Determination pursuant to Section 4-32.

~~B) The site shall be staked in a minimum 400 foot grid pattern. The plan and field stakes will have a corresponding reference system. Field stakes will be clearly visible from a reasonable distance.~~

B) C) Preliminary Soil Report:

9-7 Referral to Board (~~Amended by the Board of Supervisors May 20, 2002.~~)

All preliminary plats approved by the Planning Commission shall be referred to the Board of Supervisors at its next regularly scheduled meeting. The Board of Supervisors, by a majority vote, may consider a preliminary plat at that or its next ~~the~~ regularly scheduled meeting. If the Board takes no action on preliminary plat referral, the preliminary plat shall be deemed approved in accordance with the actions of the Planning Commission. The Board shall act on the preliminary plat referral not later than its next regularly scheduled meeting unless the applicant agrees to an extension. The Board may approve, approve with modification, or deny the preliminary plat. Any action by the Board of Supervisors shall be deemed final.

9-8 Recommendations

At the time of the hearing before the Commission, the agent shall present to the Commission his recommendations concerning the preliminary plat ~~and plans~~ including, but not limited to, compliance with the applicable Ordinance.

9-9 Notification of Commissions or Boards Decision

The subdivider shall be advised as to the recommendations of the Commission or Board of Supervisors, whichever is applicable. Such notification shall be ~~by formal letter, and/or legible marking in red on the subdividers copy of the preliminary plat showing the Commission's recommendation~~ in writing.

9-11 ~~Twelve~~ Eighteen Month Limitation

The subdivider shall have not more than ~~twelve (12)~~ eighteen (18) months after receiving official notification concerning the preliminary plat to file in the ~~Office of the Commission or its agent~~ Department of Community Development a final subdivision plat in accordance with this Ordinance. Failure to do so shall render preliminary approval null and void. The Planning Commission may, on written request by the subdivider, grant an extension of this time limit. Such request shall be filed with the ~~Office~~ Department of Community Development ~~and Zoning~~ no later than fifteen (15) days prior to the expiration date of preliminary plan. Such extension may be granted based on sufficient evidence that preparation of the final plat/construction plans is proceeding with due diligence. In no case shall an extension be granted for more than ~~two (2)~~, six (6) months periods after the initial ~~twelve (12)~~ eighteen (18) month approval. In no case shall an extension be granted when conditions have changed since the date of approval or when a preliminary plat has expired.

9-12 Plans, Profiles and Specifications

Following official notification to the subdivider of the Commission's recommendations on the preliminary plat or approval of a commercial or industrial division, the plans, profiles and specifications for all required public or private improvements to be installed shall be prepared by a person or firm licensed in Virginia to prepare such plans in accordance with agency requirements and Section 10-5 of this Ordinance and submitted to the agent for the governing body. Such plans shall be submitted to the ~~Office~~ Department of Community Development ~~and Zoning~~ with distribution of the plans the responsibility of the ~~applicant~~ agent. ~~The plans should be submitted to the review agencies at least sixty (60) days prior to the submission deadline for the Planning Commission meeting at which the subdivider wishes the plat to be considered.~~ If approved, one copy bearing certification of such approval shall be returned to the subdivider. If disapproved, ~~all papers shall be returned to the subdivider with the reason for disapproval~~ shall be sent to the subdivider in writing. The requirements of this Section shall be accomplished during the ~~twelve (12)~~ eighteen (18) month time limit for preliminary plats as set forth in Section 9-10 of this Ordinance.

9-13 Additional Design and Performance Standards ~~(Amended by Board of Supervisors September 9, 1999.)~~

- A) In addition to the technical requirements of this Ordinance, the following shall also be evaluated. Except for agricultural lots meeting the requirements of Section 4-11(4), should any of the following be deemed to exist, the development will not be approved unless the developer and/or the County can provide an adequate solution to remedy the problem in accordance with the requirements set forth herein.
- 1) The inability to provide a permanent means of sewage disposal acceptable to the Health Official and the County. The criteria for adequacy is as follows:
 - a) Public/cCentral sewer to be provided by the Fauquier County Water and Sanitation Authority or other established service provider.
 - b) Where construction on drainfields is authorized, sufficient drainfields and replacement area is to be provided to last the expected life of the dwelling units. The adequacy of the area is to be approved by the Health Department.
- B) Adverse environmental impact of the development should be minimal. The criteria for determination is as follows:
- 1) Water supplies - The impact shall be deemed excessive if the Health Official finds that the development will jeopardize the safety of present or future water supplies or that by reason of topography, soil type and condition, surface and subsurface drainage condition, water table, history of failure of septic systems in adjacent areas, and the extent of septic system development there appears to be doubt of the proper functioning of septic systems, with respect to contamination of water supplies.

- 2) Lack of adequate drainage including excessive environmental impact with respect to drainage, shall be deemed to exist if surface or subsurface water retention and/or runoff is such that it constitutes a danger to the structural security of proposed dwelling units or other on-site structures. In addition, inadequate drainage shall be deemed to exist where proposed site grading and development creates harmful or damaging effects from erosion and siltation on downhill and/or downstream land and no adequate remedy is provided. Recommendations are to be requested from the John Marshall Soil and Water Conservation District based on the evaluation of submitted Sedimentation and Erosion Control Plan.
- 3) Layout and Design - The development should be designed so as to provide a quality environment for residents by minimizing its adverse impact. General considerations for minimal impact are as follows:
- a) ~~(1)~~ Road and street layout should utilize topography so that unnecessary cuts and fills are avoided.
 - b) ~~(2)~~ Where open space, public or private is planned the following should be considered:
 - (1) ~~(a)~~ Provide an integrated system, being contiguous, if possible.
 - (2) ~~(b)~~ Provide convenient access to as many of the lots as possible.
 - (3) ~~(c)~~ Planned use and maintenance whether active or passive, should be adequately assured through a homeowners association or other method acceptable to the Governing Body.
 - (4) ~~(d)~~ Any system of trails or paths should be designed to take advantage of visual qualities of the area, and provide for safe and convenient movement of pedestrians.
 - c) ~~(3)~~ Tree masses and large individual trees, wherever possible, should be preserved.
 - d) ~~(4)~~ Wherever possible, utility transmission lines should be placed underground.
 - e) ~~(5)~~ All major streams and rivers, especially those upon which flood control, water impoundment, and recreation facilities are located or planned, should be left in the natural state where adequate or improved to provide for the maintenance of water quality standards.

SECTION 10 - FINAL PLATS AND CONSTRUCTION/INFRASTRUCTURE PLANS

10-1 *Applicability*

Any owner or proprietor of any tract of land located wholly or partially within the boundaries of Fauquier County and wishes to subdivide the same in accordance with the definition of subdivision per Section 2-39 of this Ordinance, shall submit a plat of the proposed subdivision to the governing body or its designated agent for such purposes. Any owner or proprietor of any tract of land who wishes to construct improvements that would meet the bonding requirements of Section 4-16 of this Ordinance shall submit construction/infrastructure plans and profiles of those improvements.

10-2 *Pre-Application Conference*

Before preparing construction/infrastructure plans, the subdivider shall confer with the governing body's agent regarding the regulations contained in this Ordinance, the Comprehensive Plan, the Zoning Ordinance and other applicable Ordinances. The purpose of such a conference is to assure that the applicant is made fully aware of all the requirements and interpretations of the existing Ordinances plus any amendments, which are pending at the time of plan preparation.

10-23 *Application and Filing*

A) Construction/Infrastructure Plans

An application for construction/infrastructure plans and profiles approval shall be submitted to the agent for distribution, accompanied by eighteen (18) sets of the plan, the required fee and the support materials required by this Ordinance and the rules of the agent. The subdivider shall submit ~~a copy of~~ the construction/infrastructure plans and profiles directly to the Fauquier County Water and Sanitation Authority under its submission requirements. Such applications and materials may be filed at any time after the approval of the preliminary plat of subdivision, approval of a Plan of Development, a division of commercial or industrial property pursuant to Section 2-39 of this Ordinance, or affordable housing development plan for applications qualifying as affordable housing developments under Section 4-200 of the Zoning Ordinance. Accompanying this submission ~~also must~~ shall be an Acceptance Letter from Engineers & Surveyors Institute (ESI) addressing the minimum checklist quality control review of the construction/infrastructure plan. The application shall be considered officially filed once accepted by the agent in accordance with Section 10-3 of this Ordinance.

B) Final Plat

An application for final plat approval shall be submitted to the agent accompanied by at least twelve (12) ~~three (3)~~ five (5) copies of the final plat, the required fee and all ~~approved~~ plans and support materials required by this Ordinance and the rules of the Agent. Such applications and materials may be filed at any time after the approval of the preliminary plat of subdivision, approval of the construction plans pursuant to

Section 10-5 of this Ordinance, or affordable housing development plan for applications qualifying as affordable housing developments under Section 4-200 of the Zoning Ordinance and shall include an Acceptance Letter from Engineers & Surveyors Institute (ESI) addressing the minimum checklist quality control review of the final plat ~~or affordable housing development plan for applications qualifying as affordable housing developments under Section 4-200 of the Zoning Ordinance.~~ The application shall be considered officially filed once approved by the agent in accordance with Section 10-3 of this Ordinance. Except for affordable housing development plans, no final plat application shall be accepted for submission until all applicable review agency approvals have been ~~submitted~~ received pursuant to Section 10-5 of this Ordinance. (Amended by the Board of Supervisors on September 3, 1996.)

10-34 Application Review

The agent shall have seven (7) working days to review the application, plat, plans and support materials in order to determine that the minimum submission and content requirements have been met. Once the application is reviewed, the applicant shall be notified in writing of the acceptance or rejection of the submission. If accepted, the submission shall be officially filed and the plats, plans and materials shall be distributed for review to appropriate agencies for review and comments. If rejected, the ~~package application materials will be returned to the applicant~~ will be notified in writing with a list of deficiencies. ~~Concurrent with the distribution of materials for review, the Planning Commission and the Board of Supervisors shall be notified by letter of the official filing.~~ (Amended by the Board of Supervisors on September 3, 1996.)

10-45 Final Plat Requirements

The final plat shall be prepared by a land surveyor or professional engineer licensed by the State of Virginia to practice as such. The plat shall be prepared at a scale no greater than 1" to 100' unless approved by staff. The sheet size for recording purposes shall not exceed 18" x 24". Where multiple sheets are required, a composite plat at a scale of 1" to 300' unless agreed to by the applicant shall be submitted on a sheet not to exceed 24" by 36".

- A) The final plat shall show the following unless waived or modified by the Agent. The Agent may waive or modify any of these plat requirements upon request by the applicant and upon a finding by the Agent that the item waived is not needed for the specific application or that the modification serves the purpose of this Ordinance to at least an equivalent degree.
- 6) Location and material of all permanent reference monuments pursuant to Section 7-14 of this Ordinance.
 - 13) Private street notations as defined in Sections 7-305 and 7-306 of the Zoning Ordinance and Section 7-12 of this Ordinance, if applicable.
 - 14) All existing and proposed easements and their widths.

10-56 Construction/Infrastructure Plans and Additional Submission Requirements

~~In addition to~~ Prior to the submission of the final plat and content requirements thereof, the following support data shall be required. ~~at the time of submission: Except for subdivisions qualifying as affordable housing development plans under provisions of Section 4-200 of the Zoning Ordinance, all required support data shall have been approved by the appropriate reviewing agencies at the time of submission.~~ Final approval of support materials for affordable housing development final plats shall be in accordance with procedures in Section 10-6 of this Ordinance. ~~(Amended by the Board of Supervisors on September 3, 1996.)~~

A) Construction/Infrastructure Plans, Title Page, Profiles and Specifications.

Eighteen (18) copies of the ~~approved~~ plans for drainage, streets (including cross sections and profiles), water supply, sewage disposal, sedimentation and erosion control, BMP's, stormwater management, existing sewers, water mains, culverts and other underground structures within the tract showing all pipe sizes, invert elevations, and grades and computations as may be required by the applicable ordinance shall be submitted with the final plat. At least one copy of the plans shall bear the signature of the agents of all review agencies on the appropriate title pages of the plans. The size of the construction plans shall not exceed 24" by 36". The plans shall bear the stamp and signature of the engineer or surveyor designing said plans on the title page and each page of the plans. All construction plans shall have an Acceptance Letter from Engineers & Surveyors Institute (ESI) addressing the minimum checklist quality control review of the construction plans prior to submission to the Department of Community Development.

The requirements for the construction plan title page are as follows:

- 9) Not to exceed ~~25~~4" by 36" in size.

B) Final Construction Plans for subdivisions, resubdivisions or revisions, including the following minimum information as part of the final plans:

- 9) Storm drainage system plans including stormwater management as outlined in the Fauquier County ~~Stormwater Management Ordinance~~ Design Standards Manual. Plans should be sufficient to build structure and outfall. Drainage divides and summary should be shown on the plans. ~~(Amended by the Board of Supervisors September 16, 2002.)~~
- 10) Soil and erosion control plans including stormwater management as outlined in the Fauquier County ~~Stormwater Management Ordinance~~ Design Standards Manual. Plans should be sufficient to build structure and outfall. Drainage divides and summary should be shown on the plans.
- 15) Existing and proposed buildings, and their uses and setbacks. For infrastructure plans, the proposed a representational building area may be identified if specific building information is not available.

16) Where hydric soils have been identified by the soil report, the County, if it deems necessary, shall require evidence of all wetland permits required by law prior to authorizing grading or other on-site activities to begin.

17) A copy of any of the following that apply: concept development plan, special exception plat, preliminary plat and/or plan of development

C) Calculations for drainage, stormwater management, BMP's, waterline flows, sewerage flows, or other areas where necessary for agency review of engineering methods, sealed and signed by a Virginia Licensed Professional Engineer or surveyor (with a 3-B license). These calculations may be included on pages of the construction/infrastructure plans. Stormwater Management plans shall be prepared in accordance with the Fauquier County ~~Stormwater Management Ordinance~~ Design Standards Manual. ~~(Amended by the Board of Supervisors September 16, 2002.)~~

D) Floodplain study as approved by FEMA where applicable. Where no FEMA floodplain is shown, calculations shall be performed to show generally the 100-year floodplain elevations and boundaries in defined drainageways.

K) Homeowners Association Documents, including proof of the creation of the Association.

L) Deed of Subdivision and/or Deed of Easement, if required.

10-67 Approving Authority Review and Approval of Final Plats and Construction/Infrastructure Plans

A) The review agencies shall review construction/infrastructure plans and shall indicate approval or disapproval of all plans within sixty (60) days of the date the plat was officially filed. Review of final plans and supporting materials for affordable housing developments shall include, where necessary, a meeting, to be held no later than forty-five (45) days following the official filing date, with the applicant, Community Development staff and review agencies whose approval is required for supporting plans and materials to obtain the required approval or to discuss deficiencies that must be corrected prior to approval. ~~The calculations of the review period shall include only that time when the plats or plans are under County or review agency review and shall not include such time as may be required for applicant revisions or modifications in order to comply with plat and plan regulations.~~ Each resubmission by the applicant shall result in an additional forty-five (45) day review period. ~~(Amended by the Board of Supervisors on September 3, 1996.)~~ Upon notification from the agent that the plan is ready for signature, the subdivider shall submit at least five (5) sets of plans for approval.

B) The Fauquier County Board of Supervisors delegates the authority of approval for final plats to the agent for subdivision administration. The agent shall review final plats and shall indicate approval or disapproval of all plats within sixty (60) days of the date the plat was officially filed. Review of final plats and supporting materials for affordable housing developments shall include, where necessary, a meeting, to be held no later

than forty-five (45) days following the official filing date, with the applicant, Community Development staff and review agencies whose approval is required for supporting plans and materials to obtain the required approval or to discuss deficiencies that must be corrected prior to approval. ~~The calculations of the review period shall include only that time when the plats or plans are under County or review agency review and shall not include such time as may be required for applicant revisions or modifications in order to comply with plat and plan regulations.~~ Each resubmission by the applicant shall result in an additional forty-five (45) day review period. ~~(Amended by the Board of Supervisors on September 3, 1996.)~~ Upon notification from the agent that the final plat is ready for signature, the subdivider shall submit eight (8) sets of plats and an individual set of documents for approval.

- C) Approval of the final plat by the agent shall be void unless the approved plat is recorded within six (6) months after approval. Three (3) sets of Aall approved final plats shall be filed in the Office of the Circuit Court of Fauquier County. No such plat of any subdivision shall be recorded by the Clerk of said Court unless and until it has been approved by the agent for subdivision administration. ~~(Amended by the Board of Supervisors on September 3, 1996.)~~

10-78 Final Plat Approvals and Conditions

10-82 Extensions

10-910 Non Conformance

SPECIAL EXCEPTION #SPEX06-SC-023 – ROBERT M. AND CLAUDIA S. YOUNG, OWNERS AND APPLICANTS

A public hearing was held to consider an application to obtain a Category 26 Special Exception to allow for a reduction in non-common open space. The property is located on the south side of Young Road (Route 708) at 7055 Young Road, in Scott District, further described as PIN #6081-25-7937-000. Frederick P.D. Carr, Director of Community Development, summarized the application. Robert M. Young, Owner and Applicant, from Scott District, requested favorable consideration of the application for special exception. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SPEX06-SC-023: A CATEGORY 26 SPECIAL EXCEPTION TO ALLOW FOR A DECREASE IN THE NON-COMMON OPEN SPACE REQUIREMENT

WHEREAS, Robert M. and Claudia S. Young, owners and applicants, are seeking Special Exception approval to allow for a decrease in the non-common open space requirement to allow for a boundary line adjustment of the parcel known as PIN# 6081-25-7937-000; and

WHEREAS, on May 25, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception; and

WHEREAS, on June 29, 2006, the Fauquier County Planning Commission recommended approval of the application, subject to conditions; and

WHEREAS, on July 13, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2600 and; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That SPEX06-SC-023 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat titled "Plat of Special Exception and Boundary Line Adjustment" dated April 3, 2006 and received in Community Development on June 6, 2006, approved with the application, as qualified by these development conditions.
3. The request for a reduction of non-common open space from 85% (81.7581 acres) to 34.307 acres to allow for a future boundary line adjustment to PIN 6081-25-0645-000.
4. The residue parcel and the boundary line adjusted portion (53.383 acres) shall be deed restricted from further subdivision and the required non-common open space easement shall be recorded. No subdivision potential (density) shall transfer with the boundary line adjustment.
5. The applicant shall dedicate 25 feet from the centerline of Young Road.
6. The existing dwelling unit that was formerly a tenant house shall now be converted to a "family dwelling unit". Since this dwelling was built prior to 1980, it has met the initial "family only" use requirement and is not subject to that limitation.

7. Per Zoning Ordinance Section 7-302(1)(D), the existing ingress/egress shall be allowed to remain in place and does not have to be relocated, per the Board of Supervisors authority to grant this waiver.

NORTHERN SPORTS FIELD COMPLEX UTILITY EASEMENT

A public hearing was held to consider the granting of a utility easement to Verizon at the Northern Sports Field Complex. Mr. Graham summarized the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A DEED OF EASEMENT TO VERIZON AT THE NORTHERN SPORTS FIELD COMPLEX

WHEREAS, Fauquier County is the owner of property located adjacent to Route 55 known as the Northern Sports Field Complex; and

WHEREAS, as part of the improvements to Route 55 for the project, Verizon is to relocate its lines outside of Virginia Department of Transportation right-of-way on County property; and

WHEREAS, Verizon has requested that the County execute an easement in order to provide for the relocation of its utilities; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of July 2006, That the County Administrator and the County Attorney be, and are hereby, authorized to execute such documents as are necessary to convey an easement to Verizon for the purpose of relocating its utility lines.

With no further business, the meeting was adjourned at 7:58 PM.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on July 13, 2006.

*Paul S. McCulla
Clerk to the Board of Supervisors*